

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

DEFENDANTS

Rally Auto Group, Inc.

General Motors LLC

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

Steve Blatt, Bellavia Gentile & Associates
200 Old Country Road, Mineola, NY 11501 (516-873-3000)

Arthur Steinberg, King & Spalding
1185 6th Avenue, New York, NY 10036 (212-556-2100)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 158, Bankruptcy Appeal

Has this or a similar case been previously filed in SDNY at any time? No? ☒ Yes? ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

	TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
	PERSONAL INJURY	PERSONAL INJURY						
CONTRACT			[] 610 AGRICULTURE		X] 422 APPEAL		[] 400 STATE	
			[] 620 OTHER FOOD & DRUG		28 USC 158		REAPPORTIONMENT	
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 625 DRUG RELATED SEIZURE OF PROPERTY		[] 423 WITHDRAWAL 28 USC 157		[] 410 ANITRUST	
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY PRODUCT LIABILITY					[] 430 BANKS & BANKING	
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY					[] 450 COMMERCE	
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY		[] 630 LIQUOR LAWS		PROPERTY RIGHTS		[] 460 DEPORTATION	
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY	[] 640 RR & TRUCK		[] 820 COPYRIGHTS		[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 370 OTHER FRAUD	[] 650 AIRLINE REGS		[] 830 PATENT		[] 480 CONSUMER CREDIT	
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	[] 660 OCCUPATIONAL SAFETY/HEALTH		[] 840 TRADEMARK		[] 490 CABLE/SATELLITE TV	
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	LABOR		SOCIAL SECURITY		[] 810 SELECTIVE SERVICE	
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[] 710 FAIR LABOR STANDARDS ACT		[] 861 HIA (1395ff)		[] 850 SECURITIES/ COMMODITIES/ EXCHANGE	
[] 190 OTHER CONTRACT			[] 720 LABOR/MGMT RELATIONS		[] 862 BLACK LUNG (923)		[] 875 CUSTOMER CHALLENGE	
[] 195 CONTRACT PRODUCT LIABILITY			[] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT		[] 863 DIWC/DIWW (405(g))		[] 890 OTHER STATUTORY ACTIONS	
[] 196 FRANCHISE			[] 740 RAILWAY LABOR ACT		[] 864 SSID TITLE XVI		[] 891 AGRICULTURAL ACTS	
	ACTIONS UNDER STATUTES		[] 790 OTHER LABOR LITIGATION		[] 865 RSI (405(g))		[] 892 ECONOMIC STABILIZATION ACT	
			[] 791 EMPL RET INC SECURITY ACT		FEDERAL TAX SUITS		[] 893 ENVIRONMENTAL MATTERS	
					[] 870 TAXES (U.S. Plaintiff or Defendant)		[] 894 ENERGY ALLOCATION ACT	
REAL PROPERTY		PRISONER PETITIONS			[] 871 IRS-THIRD PARTY 26 USC 7609		[] 895 FREEDOM OF INFORMATION ACT	
							[] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE	
[] 210 LAND CONDEMNATION	[] 441 VOTING	[] 510 MOTIONS TO VACATE SENTENCE 20 USC 2255	IMMIGRATION				[] 950 CONSTITUTIONALITY OF STATE STATUTES	
[] 220 FORECLOSURE	[] 442 EMPLOYMENT		[] 462 NATURALIZATION APPLICATION					
[] 230 RENT LEASE & EJECTMENT	[] 443 HOUSING/ ACCOMMODATIONS	[] 530 HABEAS CORPUS	[] 463 HABEAS CORPUS- ALIEN DETAINEE					
[] 240 TORTS TO LAND	[] 444 WELFARE	[] 535 DEATH PENALTY	[] 465 OTHER IMMIGRATION ACTIONS					
[] 245 TORT PRODUCT LIABILITY	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 540 MANDAMUS & OTHER						
[] 290 ALL OTHER REAL PROPERTY	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 550 CIVIL RIGHTS						
	[] 440 OTHER CIVIL RIGHTS	[] 555 PRISON CONDITION						

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$_____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN *x* IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN *x* IN ONE BOX ONLY)

BASIS OF JURISDICTION

**IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1322, 1441)**

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[] 1	[] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[] 3	[] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[] 5	[] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4	[] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Rally Auto Group, Inc.
438 Alto Vista Drive
Palmdale, CA 93551
(Los Angeles County)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

General Motors LLC
400 Renaissance Center
Detroit, MI 48265
(Wayne County)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

10/14/10
RECEIPT #



[] NO
[x] YES (DATE ADMITTED Mo. 3 Yr. 1988)
Attorney Bar Code #2161164

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)